

The Board all agreed that the variance should be extended due to these extenuating circumstances.

Motion By: Chris Foy

Seconded By: Karla Shea

Move that the variance for the proposed Huygens Chiropractic Clinic basement addition project at 908 2nd Avenue SW be extended by one year until November 10, 2005.

Yes: 4

No: 0

Absent: 1

2. Case #20040801, Leon and Linda Deutsch, 515 10th Avenue NW.

The applicant is requesting a variance to the zoning regulation governing minimum rear-yard setbacks in the R-1 Residential District. The proposed garage addition would protrude into the 30-foot rear-yard setback requirement approximately 22 feet and further increase the nonconformance of the existing building. See Code of Ordinances Section 100.6.03.2.b (5).

Per the request of the applicant, the item was removed from the agenda.

3. Case #20040803, John McKee Development, 1101 West Bremer Avenue.

a) The Applicant's Requested Zoning Variance:

The applicant is requesting a variance to the zoning regulation governing minimum guidelines in the S-1 Shopping Center District.

b) The Zoning Regulations State:

The proposed commercial addition to an existing shopping center that existed prior to the adoption of the ordinance is required to meet the regulations of the C-2 Commercial District. The addition would protrude into the required 50-foot front-yard setback requirement approximately 28 feet. See Code of Ordinances Section 100.11.09 and 100.13.05.

c) Interested Property Owners:

One neighboring property owner called city staff to ask about the nature of the project and did not express any reservations regarding the variance. There were no other interested property owners.

d) Discussion:

Member Foy removed himself from the Board before discussion on the item began due to a conflict of interest.

Mr. Andy Hobson with John McKee Development briefly described the proposed project to add onto the west of their existing commercial building. He explained that this was the only direction that they could consider expanding due to the adjacent mall and West Bremer Avenue.

Mr. Hobson stated that the close proximity to West Bremer Avenue places the existing structure into non-conformance, as it is all too close to the front-yard property/right-of-way line. The addition to the west would be flush with the existing front of the building and would actually be getting further away from West Bremer Avenue because of the angle of the building.

Secretary Passmore explained to the Board the reasoning of why this request needs to come before the Board for a variance. He stated that due to the age of the building there were no records available to review the initial plan per the requirements of the Shopping Center District, therefore the C-2 District regulations had to be enforced.

Member Shea confirmed that the only setback in violation is the front-yard setback and not the side-yard setback. Vice-Chairperson Brown confirmed that the addition would extend to the existing parking lot and that adequate access would be maintained. Mr. Hobson explained that no parking would be lost due to the addition. Chairperson Lampe asked if any utilities would be a problem. Mr. Hobson responded that electric will need to be rerouted, but that all other utilities were good.

Vice-Chairperson Brown explained to Mr. Hobson that he will need all voting members present to vote in favor of the variance in order for it to be granted due to Mr. Foy's abstention, or he could return at a later meeting when the one absentee is back. Secretary Passmore reviewed the appeal process for the applicant. Mr. Hobson expressed his desire to have a ruling on his request at this meeting because they desire to get started on the proposed project as soon as possible, if granted.

Mr. Lampe stated that he views this request as a fill in type project in the old part of town that is part of the shopping center. Mrs. Shea confirmed that basically any project that involves the expansion of this building would require a variance due to the front-yard setback. The Board discussed the different Commercial Districts and their respective setbacks.

e) *Motion by the Board:*

Motion By: Pat Brown

Seconded By: Karla Shea

Move that a variance to allow the proposed addition to extend into the front-yard setback requirement approximately 28 feet at 1101 West Bremer Avenue be approved.

Yes: 3

No: 0

Absent: 1

Member Foy removed himself from the Board due to a conflict of interest.

Board of Adjustment Minutes
August 9, 2004

E. Old Business: None

F. New Business: None

G. Adjournment:

Motion By: Karla Shea

Seconded By: Pat Brown

That the Board of Adjustment meeting be adjourned.

Yes: 3

No: 0

Absent: 2

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